



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

VIA UPS

JAN 19 2016

John D. Stachow
Water Treatment Operator
Modular Components National, Inc.
2302 Industry Court
Forest Hill, MD 21050

Re: Notice of Violation
Compliance Evaluation Inspection
September 29, 2015

Docket No.: R3-16-NOV-RCRA-09

Dear Mr. Stachow:

On September 29, 2015, the U.S. Environmental Protection Agency, Region III ("EPA") conducted a Compliance Evaluation Inspection ("CEI") of Modular Components National, Inc. ("the Facility" or "MCN") located in Forest Hill, Maryland under the federally authorized Code of Maryland Regulations ("COMAR") and the Resource Conservation and Recovery Act ("RCRA"), as amended, 42 U.S.C. Sections 6901 et seq. As a result of the CEI, EPA has determined that MCN has violated regulations under COMAR and RCRA. As a result of this determination, EPA is issuing this Notice of Violation ("NOV"). The specific violation(s) are:

1. During the September 29, 2015 EPA CEI, Facility personnel stated that solvent contaminated rags are discarded in the regular trash. At the time of the CEI, the EPA inspector observed solvent rags accumulated in a regular trash container located in the Screen Room. Subsequent to the CEI, the Facility provided to EPA a Material Safety Data Sheet ("MSDS") for the solvent product used on its cleaning rags. The solvent MSDS indicates that the solvent product exhibits the criteria of a hazardous waste for the characteristic of ignitibility (D001). In accordance with COMAR § 26.13.03.02.A, a person who generates a solid waste must determine if that waste is a hazardous waste. Based on the information gathered during the EPA CEI and from follow-up information gathering, MCN failed to make a waste determination in violation of COMAR § 26.13.03.02.A for its spent solvent rag waste stream prior to disposal.
2. During the September 29, 2015 EPA CEI, the EPA inspector observed three containers used for the accumulation of hazardous waste that were not marked with an accumulation start date, and not labeled with the words "Hazardous Waste." At the time of the CEI, each of the following containers of hazardous waste was not dated and labeled: an open container of spent solvent contaminated rags in the Screen Room, a 55-gallon container of spent acetone located across from the Machine Shop Office, and a super sack of F006 listed hazardous waste located near the wastewater treatment area. Based on the observations made during the EPA CEI, MCN failed to mark each container of hazardous waste referenced above with an accumulation start date in violation of the COMAR § 26.13.03.05.E(1)(e), and failed to label each container with the words "Hazardous Waste" in accordance with COMAR § 26.13.03.05.E(1)(f)(ii).

3. During the September 29, 2015 EPA CEI, the EPA inspector observed an open container of spent solvent contaminated rags in the Screen Room. Based on the observations made during the CEI, the Facility failed to keep the container of spent solvent rag hazardous waste closed during storage, except when it is necessary to add or remove waste. This is a violation of COMAR § 26.13.03.05.E(1)(d), which in turn references COMAR § 26.13.05.09.D.
4. During the September 29, 2015 EPA CEI, the EPA inspector reviewed a copy of MCN's contingency plan. The EPA inspector noted that the contingency plan did not indicate the contact phone numbers and addresses for the emergency coordinators listed in the contingency plan. Subsequent to the CEI, MCN provided the updated page in the contingency plan that lists the contact information for the Facility emergency coordinators. Based on the information gathered during the CEI, MCN failed to list the addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinators in its contingency plan in violation of COMAR § 26.13.03.05.E(1)(g), which references COMAR § 26.13.05.04.C(4).
5. During the September 29, 2015 EPA CEI, the EPA inspector requested copies of documented job titles and written job descriptions for those employees responsible for the management of hazardous waste at the Facility. The EPA inspector was provided a copy of the job title and job description for the General Manager of the Facility, who is also listed as the primary emergency coordinator in the Facility contingency plan. At the time of the CEI the job description for the General Manager did not include any reference to his responsibilities as the emergency coordinator or reference any training requirements relevant to such a job title. Generators of hazardous waste are required to maintain documentation of job titles (including the name of the employee filling the position), written job descriptions, and a written description of initial and continuing training. Based on the information gathered during the CEI, MCN failed to prepare and maintain job descriptions in violation of COMAR § 26.13.03.05.E(1)(g), which references COMAR § 26.13.05.02.G(4)(a)-(c).
6. During the September 29, 2015 EPA CEI, the EPA inspector reviewed copies of hazardous waste training records for annual hazardous waste training that was provided to Facility personnel. At the time of the CEI, Facility personnel stated that annual hazardous waste training was provided to the Water Treatment Operator in calendar years 2013 and 2014, but at the time of the inspection MCN was unable to provide documentation of such training. Based on the information gathered during the CEI, MCN failed to maintain documentation of annual hazardous waste training in calendar years 2013 and 2014 for the Water Treatment Operator in violation of COMAR § 26.13.03.05.E(1)(g), which references COMAR § 26.13.05.02.G(5).

A copy of the EPA CEI report, documenting the findings of the inspector, is enclosed as Attachment A for your information and includes only those attachments not provided by the facility representative(s) at the time of or subsequent to the inspection.

Within **fifteen (15) calendar days** of the receipt of this NOV, please submit documentation of any measures that the Facility has taken or is taking to achieve compliance with the violations noted above. If the compliance measures identified are planned or are ongoing, please provide a schedule for when the compliance measures will be completed. If the Facility can provide documentation which shows that EPA's determination of the alleged violation(s) is in error, please submit this information as well. Section 3008(a) of RCRA

authorizes EPA to take an enforcement action whenever it is determined that any person has violated, or is in violation, of any requirement of RCRA as amended. Such an action could include a penalty of up to \$37,500 per day for each violation. In addition, failure to achieve and maintain compliance with the regulations cited in this NOV may be treated as a repeated offense and may constitute a "knowing" violation of Federal law.

With regard to the Small Business Regulatory Enforcement and Fairness Act (SBREFA), please see the "Information for Small Businesses" memo, enclosed Attachment B, which might be applicable to your company. This enclosure provides information on contacting the SBREFA Ombudsman to comment on federal enforcement and compliance activities and also provides information on compliance assistance. As noted in the enclosure, any decision to participate in such program or to seek compliance assistance does not relieve you of your obligation to respond in a timely manner to an EPA request or other enforcement action, create any rights or defenses under law, and will not affect EPA's decision to pursue this enforcement action. To preserve your legal rights, you must comply with all rules governing the administrative enforcement process. The Ombudsman and fairness boards do not participate in the resolution of EPA's enforcement action. EPA has not made a determination as to whether or not you [or your company] are covered by the SBREFA.

This Notice of Violation is not intended to address all past violations, nor does it preclude EPA from including any ongoing, including the ones cited in this letter, or past violations in any future enforcement action. Your response to this NOV shall be addressed to:

Andrew Ma
U.S. Environmental Protection Agency - Region III
Environmental Science Center
701 Mapes Road
Fort Meade, MD 20755

If you have any questions regarding this matter, please feel free to contact Mr. Andrew Ma at (410) 305-3429.



Carol Amend
Associate Director
Land & Chemicals Division
Office of Land Enforcement

Jan 19, 2016
Date

Enclosures

cc: A. Ma (3LC70) w/o
B. Coblenz (MDE) w/o